IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1146 of 2004

RAJYOGA EDCATION & RESEARCH FOUNDATION
V/S
JAGDISH PRASHAD & ORS

Mr. RK RATHI, for the appellant / petitioner

Date of Order : 17.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant, and perused the impugned award.

The only contention raised is that the amount awarded is inadequate, inasmuch as, the claimants had deposed that the value of the truck was Rs.3 lakhs, while a total award of Rs.33,000/- only has been made.

I have considered the submission, and have gone through the finding. It is found by the learned trial Court, relying upon the evidence of A.W.6, that the truck was a military disposal truck, and was with the appellant since 1993.

It is significant to note that the appellant's witness, A.W.5 has categorically deposed that the truck was not a military disposal truck. As against which, A.W.6 has deposed that it was a military disposal truck. With this, what is significant to note that there is no evidence led on behalf of the appellant, as to what was the price, for which the truck was purchased from the military, as a disposal vehicle. May be that the appellant received the truck by way of donation, but then, even the donated vehicle, since it was a military disposal vehicle, it was very convenient for the appellant to produce evidence, about the price of the truck for which it was purchased by the donor from the military, so as to enable the Court to arrive at the reasonable depreciated value of the truck at the time of accident.

It appears that the claim has been lodged by getting the truck surveyed by Shri Shyam Hirani, who has expired, on the basis of the prevailant market price of the parts. Likewise, the price of the truck has been disclosed in the survey report as a price of the new vehicle in the year 1993.

In these circumstances, in absence of any evidence, as to the price of the truck, for which it was purchased in the year 1993 from the military, and in view of the fact, that the appellant has omitted

to disclose the salvage price received by the appellant, I do not find any sufficient ground to interfere with the amount of compensation awarded.

The appeal thus, has no force, and is hereby dismissed summarily.

(N P GUPTA),J.

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